

REMARKS

Applicants make this submission in response to the Office Action (non-final rejection) mailed on August 7, 2007. Applicants acknowledge with appreciation that the rejection in the previous Office Action has been overcome.

By the present submission, applicants respectfully submit that all claims are in condition for allowance. Reconsideration of the application in view of the claim amendments set forth herein, the Terminal Disclaimer submitted herewith, and the following remarks is respectfully requested.

1. Claim Amendments

Applicants have canceled claims 9 and 20, without prejudice, and have amended independent claim 16. The amendment to independent claim 16 introduces a “power supply” recitation and associates such power supply with generation of monochromatic light as part of the recited system. Support for the power supply-related recitations is found in the specification, as filed. [See, e.g., page 26, line 23 *et seq.*.] In addition, independent claim 16 has been amended to include the recitation of dependent claim 20.

Applicants respectfully submit that no new matter is introduced by way of the proposed claim amendments. Prompt entry thereof is respectfully requested. Upon entry of the proposed claim amendments, claims 2-4, 8, 16-17, 19 and 21 are pending.

2. Response to Section 112 Rejection

Claims 2-4, 8, 9, 16, 17 and 19-21 stand rejected under 35 USC § 112, second paragraph. In particular, independent claim 16 was rejected based on a perceived “gap between the elements.” While applicants do not acquiesce in the Examiner’s position with respect to such perceived gap, to advance prosecution of the present application, independent claim 16 has been amended to recite a “power supply” for supply of power so as to generate the recited monochromatic light. In view of such claim amendments, applicants respectfully submit that the perceived gap issue is addressed. Reconsideration and withdrawal of the Section 112 rejection of independent claim 16 are respectfully requested.

The Section 112 issue with respect to dependent claim 9 is rendered moot by the cancellation of such claim.

In view of the foregoing, applicants submit that all pending claims are in full compliance with Section 112. Reconsideration and withdrawal of all Section 112 rejections are earnestly solicited.

3. Art-Based Rejections

Claims 4, 16, 17 and 19 stand rejected under 35 USC § 102(e) based on newly cited U.S. Patent No. 6,379,024 to Kogure et al. Claims 2-3, 8, 9 and 20-21 are not subject to art-based rejection(s).

Applicants respectfully disagree with the outstanding art rejection based on the Kogure '024 patent. However, to advance prosecution to prompt allowance, applicants have amended independent claim 16 to include the recitation of dependent claim 20, thereby affirmatively reciting that "a complex fluid is positioned adjacent said treatment surface for irradiation by said monochromatic light emitted from said housing" according to the claimed system.

By the present amendment to claim 16, the outstanding art-based rejection based on the Kogure '024 patent is rendered moot. Accordingly, reconsideration and withdrawal of such art-based rejection are requested.

4. Double-Patenting Rejection

Claims 2-4, 8, 9, 16, 17, 19 and 20 stand rejected on the ground of non-statutory obviousness-type double patenting based on U.S. Patent No. 7,057,189. Applicants submit herewith a Terminal Disclaimer to overcome such double patenting rejection. The Terminal Disclaimer is submitted, without prejudice.

The Commissioner is hereby authorized to charge the terminal disclaimer fee (\$ 65.00 - small entity) associated with the enclosed Terminal Disclaimer to Deposit Account No. 503570.

Reconsideration and withdrawal of the obviousness-type double patenting rejection is respectfully requested.

5. Conclusion

Applicants respectfully request prompt action leading to an early Notice of Allowance. If the Examiner believes a telephone communication might be useful in advancing prosecution of this application, the Examiner is invited to contact the undersigned representative of applicants.

Respectfully submitted,


Basam E. Nabulsi
Reg. No. 31,645
Attorney for Applicants

McCARTER & ENGLISH, LLP
Financial Centre, Suite A304
695 East Main Street
Stamford, CT 06901
Phone: (203) 399-5920
Fax: (203) 399-5820